

# **EXHIBIT A**

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**From:** Prabhakar, Saurabh  
**Sent:** Wednesday, September 27, 2023 1:15 AM  
**To:** 'Weber, Olivia'; Robertson, Sean; Ashley, Matt; 'Cheryl G. Rice'; 'John L. Wood'; Tabaie, Abe; Barath, Barbara N.  
**Cc:** Extreme; Leslie A. Demers; 'jessica.malloy-thorpe@millermartin.com'; 'jordan.scott@millermartin.com'; 'Chuck Lee'  
**Subject:** RE: SNMP Research, Inc., et al. v. Broadcom Inc., et al. - Production  
**Attachments:** 2023-09-26 Extreme's Supplemental Privilege Log (CONFIDENTIAL).pdf

Olivia:

Extreme contends that these emails reflect Avaya privileged communications and work product that transferred to Extreme after Extreme acquired Avaya's networking business. *See* Extreme's September 8, 2023 Privilege Entry Nos. 1331-1337. In response to your email that asked questions about the basis of our privilege, we have updated our privilege log entries (see attached) to clarify that, post-acquisition, Avaya and Luxoft acted as Extreme's agents in facilitating the rendering and implementation of legal advice. To clarify, Extreme is not asserting common interest; it is asserting the privilege belonged to Extreme because of the acquisition.

The documents Extreme produced yesterday (Monday) relate to Avaya's acquisition by Extreme, and Avaya's and Luxoft's work as Extreme's agents after the acquisition closed. Documents with bates numbers EXTREME-01383274, -01383376, -01383505 show the scope of Extreme's acquisition of Avaya's networking business. For example, sections 1.03-1.07, 3.05-3.10, and Article VI in EXTREME-01373274 and EXTREME-01383376 generally shows the transfer of Avaya's networking business to Extreme. EXTREME-01383508, -01383236, and -01383242 show Avaya's transition services and limited agency agreements with Extreme pursuant to which Avaya acted as Extreme's agent during the time-period covering the clawed back communications. Finally, EXTREME-01383707 and -01383711 reflects Extreme's agreement with Luxoft Global Operations GmbH, which provided engineering services to Extreme after the acquisition.

Extreme has produced its privilege logs related to the claw backs in a timely manner. Extreme produced its privilege log for the September 11 claw back contemporaneously with the claw back and has produced its privilege log for the September 20 claw back within four business days of the claw back.

SNMPR chose to rush to the Court unilaterally—without confirming the timing of the production of Extreme's privilege log, without waiting for the production of the Avaya agreements, without consulting with Extreme about a briefing schedule, or attempting a joint communication to the Court. If SNMPR would like more time to file its two page brief, Extreme is okay with that, so long as Extreme has a week to respond. Please let us know if SNMPR would like to jointly ask the Court for a change of the schedule.

Best regards,

Saurabh Prabhakar (he/him/his) | Associate | Debevoise & Plimpton LLP | [sprabhak@debevoise.com](mailto:sprabhak@debevoise.com) | [+1 415 738 5730](tel:+14157385730) | [www.debevoise.com](http://www.debevoise.com)

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**From:** Weber, Olivia <oweber@irell.com>  
**Sent:** Tuesday, September 26, 2023 3:01 PM  
**To:** Robertson, Sean <srobertson@debevoise.com>; Ashley, Matt <MAshley@irell.com>; 'Cheryl G. Rice'

<CRice@emlaw.com>; 'John L. Wood' <JWood@emlaw.com>; Tabaie, Abe <atabaie@debevoise.com>; Barath, Barbara N. <bnbarath@debevoise.com>; Prabhakar, Saurabh <sprabhakar@debevoise.com>  
**Cc:** Extreme <Extreme@debevoise.com>; Leslie A. Demers <Leslie.Demers@skadden.com>; 'jessica.malloy-thorpe@millermartin.com' <jessica.malloy-thorpe@millermartin.com>; 'jordan.scott@millermartin.com' <jordan.scott@millermartin.com>; 'Chuck Lee' <Chuck.Lee@millermartin.com>; Weber, Olivia <oweber@irell.com>  
**Subject:** RE: SNMP Research, Inc., et al. v. Broadcom Inc., et al. - Production

**\*EXTERNAL\***

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Counsel,

Extreme represented last week that by no later than Monday, September 25, it would produce the document(s) underlying its assertion of common interest privilege over Avaya communications. Plaintiffs are in receipt of Extreme's Tuesday, September 26 production. Without any further delay, please identify the document(s) as well as the provision(s) upon which Extreme is relying in support of its common interest assertion. We ask that Extreme provide a response by close of business Pacific Standard Time today so that Plaintiffs may consider Extreme's position for purposes of Plaintiffs' briefing due September 28 (Thursday).

Moreover, Extreme still hasn't produced an updated privilege log, despite its assurance last Wednesday that it would be able to do so in a timely manner. Plaintiffs reserve all rights with respect to Extreme's continued failure to produce an updated log, particularly in light of Extreme's September claw backs and Plaintiffs' briefing deadline this Thursday (which implicates those claw backs and Extreme's assertion of privilege).

Best,

Olivia  
(949) 760-5146

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**From:** Robertson, Sean <[srobertson@debevoise.com](mailto:srobertson@debevoise.com)>  
**Sent:** Monday, September 25, 2023 10:34 PM  
**To:** Weber, Olivia <[oweber@irell.com](mailto:oweber@irell.com)>; Ashley, Matt <[MAshley@irell.com](mailto:MAshley@irell.com)>; 'Cheryl G. Rice' <[CRice@emlaw.com](mailto:CRice@emlaw.com)>; 'John L. Wood' <[JWood@emlaw.com](mailto:JWood@emlaw.com)>  
**Cc:** Extreme <[Extreme@debevoise.com](mailto:Extreme@debevoise.com)>; Leslie A. Demers <[Leslie.Demers@skadden.com](mailto:Leslie.Demers@skadden.com)>; 'jware@emlaw.com' <[jware@emlaw.com](mailto:jware@emlaw.com)>; 'jessica.malloy-thorpe@millermartin.com' <[jessica.malloy-thorpe@millermartin.com](mailto:jessica.malloy-thorpe@millermartin.com)>; 'jordan.scott@millermartin.com' <[jordan.scott@millermartin.com](mailto:jordan.scott@millermartin.com)>; 'Chuck Lee' <[Chuck.Lee@millermartin.com](mailto:Chuck.Lee@millermartin.com)>  
**Subject:** SNMP Research, Inc., et al. v. Broadcom Inc., et al. - Production

Dear Counsel:

On behalf of Extreme Networks, Inc., please see the attached.

The password for this production will be provided in a separate email. Please let us know if you encounter any issues accessing the files.

Regards,  
Sean

**Debevoise  
& Plimpton**

Sean Robertson  
Litigation Case Manager

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